

REMARKS

Claims 1-2 and 16-26 are pending in this application. Claims 1 and 20 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 2, and 16-26 under 35 U.S.C. §103(a) as being unpatentable over Anderson (USP 6,498,623) in view of Hashimoto (USP 6,972,799); and rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Hashimoto and further in view of Yamazaki (USP 5,604,537). Applicant respectfully traverses these rejections.

The Examiner is respectfully reminded of the telephonic interview conducted on June 12, 2007. During the Interview, the Examiner noted that Hashimoto only doubles or halves the imaging cycle one time according to brightness and only in one direction. The Examiner noted that should additional features be recited in the claim to clarify that the changing device doubles the current imaging cycle at least once when the brightness of the object is lower than the brightness corresponding to the imaging cycle, and wherein the changing device halves the current imaging cycle at least once when the brightness of the object is higher than the brightness corresponding to the imaging cycle, that this amendment would overcome the outstanding rejection.

By this amendment, Applicant has amended claims 1 and 20 to include this element. Based on the agreement made during the Interview, the parties respectfully request the outstanding rejection be withdrawn.

Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: July 1, 2008

Respectfully submitted,

By

D. Richard Anderson

Registration No.: 40,439

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant